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8 *SmileDirectClub, LLC, Zachary Potts, D.D.S.*
9 *and Michael Guirguis, D.D.S.*

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 CYRUS S. WHITTAKER, individually on
13 behalf of myself,

14 Plaintiff,

15 vs.

16 SMILEDIRECTCLUB, LLC; ZACHARY
17 POTTS, D.D.S.; MICHAEL GUIRGUIS,
18 D.D.S.; DOES 1 through 10; and ROE
ENTITIES 11 through 20, inclusive,

19 Defendants.
20

CASE NO.: 2:21-cv-01019-RFB-BNW

STIPULATION AND ORDER TO
DISMISS ZACHARY POTTS, D.D.S.
WITH PREJUDICE

21
22 IT IS HEREBY STIPULATED and agreed by and between Plaintiff, CYRUS S.
23 WHITTAKER, and Defendants SMILEDIRECTCLUB, LLC, ZACHARY POTTS, D.D.S., and
24 MICHAEL GUIRGUIS, D.D.S., by and through Plaintiff and Defendants' counsel of record that:

- 25 1) Any and all claims by Plaintiff against Defendant ZACHARY POTTS, D.D.S. related to
26 this matter in any court, jurisdiction or venue shall be dismissed in their entirety, with
27 prejudice;
28

2) Although this dismissal extinguishes all of Plaintiff's claims against Defendant ZACHARY POTTS, D.D.S., this dismissal does not resolve all claims as to all parties and therefore this Action shall remain pending as to Defendant SMILEDIRECTCLUB, LLC; and

3) Defendant ZACHARY POTTS, D.D.S. shall be dismissed, with prejudice, from the instant litigation, with Plaintiff and Defendant to bear their own attorneys' fees and costs.

IT IS SO STIPULATED.

DATED: September 1, 2021

PLAINTIFF, IN PRO PER

By: /s/ Cyrus Whittaker
CYRUS S. WHITTAKER (PLAINTIFF)
Nevada Bar No. 14965
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Los Angeles, CA 90024
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DATED: September 1, 2021

HALL PRANGLE & SCHOONVELD, LLC

By: /s/ Tyson Dobbs
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ORDER

IT IS HEREBY ORDERED that:

- 1) Any and all claims by Plaintiff against Defendant ZACHARY POTTS, D.D.S. related to this matter in any court, jurisdiction or venue are dismissed in their entirety, with prejudice;
- 2) Although this dismissal extinguishes all of Plaintiff's claims against Defendant ZACHARY POTTS, D.D.S., this dismissal does not resolve all claims as to all parties and therefore this Action shall remain pending as to Defendant SMILEDIRECTCLUB, LLC; and
- 3) Defendant ZACHARY POTTS, D.D.S. is hereby dismissed, with prejudice, from the instant litigation, with Plaintiff and Defendant to bear their own attorneys' fees and costs.

IT IS SO ORDERED.



RICHARD F. BOULWARE, II
United States District Judge

DATED this 4th of ~~September~~, 2021